6,154,738 and 5,913,210 to Call, and 5,999,912 to Wodarz et al,), the subject matter of these Claims 439-451 where subsequently rejected by the Examiner in US Application No. 10/130,623, based on a combination of references (i.e. 5,913,210 to Call, and 5,999,912 to Wodarz et al), disclosed by Applicant in both said Applications.

Also, while US Application Serial No.10/130,623 was disclosed as relevant to the subject matter of the present Application in Applicant's Supplemental Information Disclosure (IDS) filed March 19, 2008 and considered by the Examiner prior to allowance of Claims 98-115, and Applicant firmly believes that the present invention defined by Claims 98-115 is neither anticipated by, nor rendered obvious in view of the prior art of record, including US Patent Nos. 6,591,247 to Stern, 6,542,933 to Durst et al, 6,154,738 and 5,913,210 to Call, and 5,999,912 to Wodarz et al., Applicant has decided to file the present Request for Continued Examination (RCE) and Remarks to set forth his reasons why he believes allowed Claims 98-115 are patentable in view of US Patent Nos. 6,591,247 to Stern, 6,542,933 to Durst et al, 6,154,738 and 5,913,210 to Call, and 5,999,912 to Wodarz et al., prior to allowing these claims to issue in a granted US Letters Patent.

Applicant has carefully reviewed the prior art references, including US Patent Nos. 6,591,247 to Stern, 6,542,933 to Durst et al, 6,154,738 and 5,913,210 to Call, and 5,999,912 to Wodarz et al, and firmly believes, that when taken alone or in combination with each other, the prior art as a whole fails to disclose, teach or suggest Applicant's novel Web-based consumer product marketing communication network, as defined by allowed Claims 98-115, allowing product management team members to manage and deliver consumer product marketing communications, through server-side driven Multi-Mode Virtual Kiosks (MMVKs) served to consumers along E-Commerce (EC) enabled Web sites on the World Wide Web (WWW), including EC-enabled stores and EC-enabled online product catalogs.

US Patent No. 6,591,247 to Stern discloses an IP-based digital content distribution network, wherein batteries of digital content (e.g. product information and advertisements) are combined together in a single distribution file (e.g. big format) at a centralized database server (i.e. NMC database 252c, Database files 352 and Builder 350) and then delivered to remote sites

(e.g. physical retail kiosks, "wall of eyes" television sets etc) in physical retail stores, in either an interactive or non-interactive manner, on a per product basis. As disclosed, the interactive delivery method may be initiated by the consumer scanning a UPC code on a product of interest, in a brick and mortar store.

US Patent No. 6,542,933 to Durst et al. discloses a system for delivering consumer product information on the Internet to a user's Web browser by providing the consumer product's UPC number to a UPC/URL database server constructed in accordance with US Patent No. 5,978,773 to Hudetz et al.

US Patent Nos. 6,154,738 and 5,913,210 to Call discloses an Internet-based consumer product information delivery system which uses Perl-based CGI scripts to (i) receive universal product codes (or parts thereof) from http requests (generated from client browsers viewing HTML pages having anchor links requiring universal product code (UPCs) embedded therein), and (ii) deliver content from the system's servers to the client browsers.

US Patent No. 5,999,912 to Wodarz et al. discloses an Internet-based advertising, scheduling and tracking system, employing (i) a computer executable server side component stored on an information server, and (ii) a HTML ad tag that is embeddable in an HTML-encoded page and references the server side component, allowing different ads to be swapped in and out, at different times (i.e. dynamically) according to changing consumer profiles, marketing conditions and the like.

The Stern, Durst, Call and Wodarz references, singularly and in combination with each other, fail to disclose, teach or suggest a Web-based consumer product marketing communication network allowing a product management team member to manage and deliver consumer product marketing communications, through server-side driven Multi-Mode Virtual Kiosks (MMVKs) served to consumers along E-Commerce (EC) enabled Web sites on the World Wide Web (WWW), including EC-enabled stores and EC-enabled online product catalogs, according to Claim 98, wherein each MMVK, when generated by a first Internet-enabled information server operably connected to the infrastructure of the Internet, has a graphical user interface (GUI) that

is characterized by a plurality of independently programmable display modes selected from the group consisting of (i) an advertising display mode for displaying one or more advertising spots, (ii) a promotional display mode for displaying one or more promotional spots, and (iii) a consumer product information (CPI) menu display mode for displaying a set of CPI resources arranged for selection by the consumer using the Web browser; and wherein the one or more advertising spots, the one or more promotional spots and the set of CPI resources are served to the Web browser by a plurality of Web-based information servers, operably connected to the infrastructure of the Internet.

The Stern, Durst, Call and Wodarz references, singularly and in combination with each other, fail to disclose, teach or suggest the Web-based consumer product marketing communication network, according to Claim 98, wherein:

each MMVK is implemented employing (a) a computer-executable server-side component stored on a first Internet-enabled information server, and (b) a MMVK tag embedded within any of the HTML-encoded pages located in the EC-enabled Web sites, embodying a unique URL, and referencing the computer-executable server-side component;

wherein the computer-executable server-side component includes code specifying: (i) a connection to a UPN/URL database server, and (ii) a CPI query to be executed on the UPN/URL database server, and dependent on the UPN assigned to the consumer product;

wherein the UPN/URL database server is arranged in communication with the first Internet-enabled information server, for storing and managing a UPN/URL link structure for each consumer product registered with the Web-based consumer product marketing communication network;

wherein each UPN/URL link structure includes (i) a Universal Product Number (UPN) assigned to the consumer product, and (ii) a set of URLs specifying the location of a plurality of CPI resources located on the WWW, operable to program the plurality of independently programmable display modes of a MMVK created and deployed for the consumer product identified by the UPN; and

wherein, upon the Web-browser of the consumer encountering an installed MMVK tag along at least one of the EC-enabled Web sites, the computer-executable server-side component corresponding to the MMVK tag is automatically executed and the corresponding MMVK is

generated by the first Internet-enabled information server and served to the Web browser, for display and review by the consumer at the EC-enabled Web site.

The Stern, Durst, Call and Wodarz references, singularly and in combination with each other, fail to disclose, teach or suggest the Web-based consumer product marketing communication network, according to Claim 98, wherein, further, a first Web-based subsystem is operably connected to the infrastructure of the Internet, for allowing product management team members, associated with a particular consumer product or group of consumer products, to create and deploy a plurality of Web-based MMVKs, for a plurality of consumer products that are registered with the Web-based consumer product marketing communication network, so that the plurality of MMVKs can be installed in and launched from a plurality of HTML-encoded pages located in the EC-enabled Web sites, and accessible by consumers using a Web browser.

The Stern, Durst, Call and Wodarz references, singularly and in combination with each other, fail to disclose, teach or suggest the Web-based consumer product marketing communication network, according to Claim 98, wherein a second Web-based subsystem is provided to allow product management team members to manage the CPI link structures for a plurality of consumer products, and independently program the set of CPI resources displayable during the CPI menu display mode of each installed MMVK; and wherein a third Web-based subsystem is provided to allow members of the product management team to independently program the advertising and promotional display modes of each MMVK with one or more advertising and promotional spots.

Stern's digital content delivery network combines digital content together in a single distribution file (e.g. big format) at a centralized database server, for delivery to remote sites in physical retail stores, and using this distribution method, there is no need or motivation to provide anything like Applicant's server-side component driven MMVKs, as recited in Claim 98, allowing product management team members to program different display modes, to plan and deliver, directly to consumers at Websites, marketing communications composed of advertising spots, promotional spots, and CPI resources programmed into the MMVK, served to the Web

browser by a plurality of Web-based information servers, operably connected to the infrastructure of the Internet.

In marked contrast, Applicant's Web-based network does not combine digital content into a single distribution file as does Stern, but rather allows service management team members to program each display mode of each deployed MMVK independently from all other display modes, using URL links (managed by the CSI link structure) which are used by the consumer's Web browser to pull brand-building information resource content from Web-based information servers located wherever they may be located on the WWW. In short, Applicant's Web-based network as claimed, and Stern's network as disclosed, operate on radically different principles of operation.

In US Patent 6,542,933, Durst is focused on providing an Internet-based system for delivering consumer product information to a user's Web browser in response to providing the consumer product's UPC number to a UPC/URL database server (constructed in accordance with US Patent No. 5,978,773 to Hudetz et al). However, Durst does not provide any motivation for Applicant's Web-based network and its server-side component driven MMVKs, as defined in Claim 98, providing product management team members with the capacity to (i) program the different display modes of the GUI of each Web-based MMVK, and (ii) manage the brand-building content of each MMVK, on a product by product basis, by allowing the product management team members to manage a CPI link structure created for each registered consumer product, for which a product-specific (i.e. UPN-indexed) MMVK has been generated, loaded onto a first Internet-based information server, and linked to its CPI link structure, via the UPN.

While US Patent Nos. 6,154,738 and 5,913,210, Call is also focused on providing an Internet-based system for delivering consumer product information to consumers at EC-commerce enabled Websites. Like Durst, Call also does not provide any motivation for Applicant's Web-based network and its server-side component driven MMVKs, as defined in Claim 98, providing product management team members with the capacity to (i) program the different display modes of the GUI of each Web-based MMVK, and (ii) manage the brand-building content of each MMVK, on a product by product basis, by allowing the product

management team members to manage a CPI link structure created for each registered consumer product, for which a product-specific (i.e. UPN-indexed) MMVK has been generated, loaded onto a first Internet-based information server, and linked to its CPI link structure, via the UPN.

US Patent No. 5,999,912, Wodarz et al. are focused on providing an Internet-based advertising, scheduling and tracking system, employing (i) a computer executable server side component stored on an information server, and (ii) a HTML ad tag that is embeddable in an HTML-encoded page and references the server side component, so as to allow different ads to be swamped in and out, at different times (i.e. dynamically) according to changing consumer profiles, marketing conditions and the like. However, like Stern, Durst, and Call, Wodarz also does not provide any motivation for Applicant's Web-based network and its server-side component driven MMVKs, as defined in Claim 98, providing product management team members with the capacity to (i) program the different display modes of the GUI of each Web-based MMVK, and (ii) manage the brand-building content of each MMVK, on a product by product basis, by allowing the product management team members to manage a CPI link structure created for each registered consumer product, for which a product-specific (i.e. UPN-indexed) MMVK has been generated, loaded onto a first Internet-based information server, and linked to its CPI link structure, via the UPN.
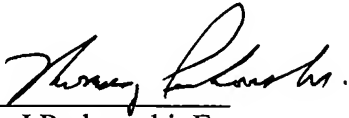
Thus, even when combining the disclosures of Stern, Durst, Call, Wodarz et al, and other prior art references made of record, Applicant firmly believes that the Web-based consumer product marketing communication network of the claimed invention is clearly not provided, or suggested by any prior reference, but something entirely different, not resembling Applicant's Web-based server-side driven MMVK-powered consumer product marketing communication network.

In view therefore, of the Amendment and Remarks set forth above, Applicant firmly believes that the present invention defined by Claims 98-115, is neither anticipated by, nor rendered obvious in view of the prior art of record, and that the present application is now in condition for allowance.

The Commissioner is hereby authorized to charge any fee deficiencies to Deposit Account 16-1340.

Respectfully submitted,

Dated: December 23, 2008
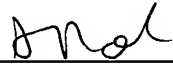
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